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June 30, 1999

BY FACSIMILE

The Honorable Carol M. Browner
Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460

Dear Administrator Browner:

Thank you for the Environmental Protection Agency's (EPA's) June 23, 1999 letter responding to questions submitted by the House Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs and the Senate Subcommittee on Energy Research, Development, Production and Regulation as a follow up to the May 20, 1999 joint hearing, entitled "Global Climate Change: The Administration's Compliance with Recent Statutory Requirements." Some of EPA's answers contain new and useful information. However, other answers are unacceptably non-responsive and even evasive.

In Question 2a on the 1999 VA-HUD Appropriations Act limitation, popularly known as the Knollenberg Amendment, we asked: "If EPA were implementing the Kyoto Protocol *under the guise* of existing law, how would anybody outside the agency know? Are there any criteria that would enable Congress to distinguish innocent actions (those that incidentally accomplish the purposes of the Kyoto Protocol) from prohibited actions (those that implement the Kyoto Protocol)?" EPA replied: "The Administration has committed not to implement the Kyoto Protocol ... EPA has acted entirely consistently with this Administration commitment ... Thus, we believe that statutory language restricting spending for implementation of Kyoto is unnecessary." This response does not address the question asked. EPA's evasiveness on this critical issue can only reinforce the perception of many in Congress that EPA interprets the Knollenberg Amendment as a practical nullity, permitting EPA to implement the Protocol under existing law as long as EPA officials are willing to be less than completely candid about what they are doing.

In Question 6c on early action crediting, we asked: "Other things being equal, would recipients of such regulatory credits be more or less likely than non-recipients to support

ratification of the Kyoto Protocol?" EPA's answer to this question is equally evasive: "The President supports the concept of providing credit for early action to provide an incentive for entities to begin to take action now to deploy innovative technologies, realize cost savings and reduce emissions of greenhouse gases. These are important objectives that are unrelated to the positions that different parties may take with respect to the Kyoto Protocol." I can only conclude that companies receiving early action credits would be more likely than non-participants to favor ratification. After all, participants would acquire paper assets potentially worth millions of dollars but which would have actual cash value only if the Kyoto Protocol, or a comparable domestic regulatory regime, were ratified or adopted.

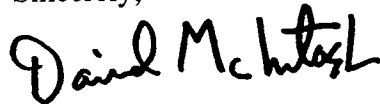
In Question 10b on the Administration's proposed Clean Air Partnership Fund, we asked: "What performance measures has EPA identified to justify this new program?" Instead of providing performance measures -- quantifiable results by which the program may be evaluated - - EPA states that the program will "support research, development and demonstration projects that: (1) control multiple air pollution problems simultaneously; (2) leverage the original Federal funds; (3) facilitate meaningful public involvement; and (4) provide innovative approaches to air pollution control that could be replicated in other cities and states." This non-responsive answer inspires little confidence that Clean Air Partnership Fund grants would not be used as "greenhouse pork" to manufacture "grassroots" support for the Kyoto Protocol.

In Question 13a on the overall value and effectiveness of the Climate Change Technology Initiative (CCTI), we asked EPA to comment on Jerry Taylor's assessment that the CCTI would reduce average global temperatures by a hypothetical and miniscule .0091 degrees Celsius by 2050. This "infinitesimal reduction in temperature," Mr. Taylor concluded, is "too small to measure" and would not "affect the lives of the American people one whit." We summarized Mr. Taylor's argument in four steps, and asked EPA to specify which steps, if any, EPA disagrees with and why. EPA simply ignored this question. I am forced to conclude that, although the Administration has some *output* performance measures for its climate change programs, it has no *intermediate outcome* and no *final outcome* measures. That is to say, although the Administration offers some estimates of the tons of greenhouse gas emissions that would be reduced, it cannot estimate how such reductions would affect global climate, nor can it estimate how such climate impacts (if any) would affect human health and welfare. Of course, EPA's evasion of this question may simply reflect the fact that the science of climate change is still a relatively new and immature discipline.

In Question 13b, we asked, in light of Mr. Taylor's conclusion that the CCTI would have no discernible effect on global climate, "why CCTI is sensible climate policy separate and apart from the Kyoto Protocol" or other even more stringent international agreements to control greenhouse gas emissions. Instead of addressing this question, EPA commented on the alleged co-benefits of the CCTI programs, such as lower energy bills and reduced air pollution. From this evasive answer, I am forced to conclude that as *climate change policy*, the CCTI is not a sound investment of taxpayer dollars.

Whether or not Congress should follow the Administration down a policy road that leads ultimately to the Kyoto Protocol and the regulation of America's energy economy is a very serious issue. The questions Senator Nickles and I submitted to you on May 27th deserve commensurately serious answers. The answers EPA has provided to questions 2a, 6c, 10b, 13a, and 13b are not acceptable. Please provide responsive answers to those questions. The responses should be delivered to the House Subcommittee staff in B-377 Rayburn House Office Building by no later than July 15, 1999. I will be sending you additional questions in a separate communication in response to other parts of EPA's June 23rd letter. If you have any questions, please contact Staff Director Marlo Lewis at 225-1962.

Sincerely,

A handwritten signature in black ink, reading "David McIntosh". The signature is written in a cursive, slightly slanted style.

David M. McIntosh
Chairman
Subcommittee on National Economic Growth

cc. The Honorable Dan Burton
The Honorable Dennis Kucinich